IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL (STAMP) NO.45531 OF 2003
IN
WRIT PETITION NO.3252 OF 2002

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.S.R.Nargolkar AGP for the State.

CORAM: V.G.PALSHIKAR &
D.B.BHOSALE, JJ.

DATED: 12TH SEPTEMBER, 2005

P.C.:

. Heard learned A.G.P. on merits of the appeal. It obviously challenges the order passed under Article 227 of the Constitution of India. The learned A.G.P. contended that this being the order under Article 226 and 227 of the Constitution the exercise of power can be addressed to Article 226 and, therefore, the appeal is maintainable. The position of law is well settled. The letters patent appeal under clause 15 of the Bombay High Court, Appellate Side Rules is not maintainable where the order of this court is passed in pith and substance under Article 227 of the Constitution. Obviously while dealing

with the Industrial dispute the power exercised by this Court is one under Article 227. The appeals is, therefore, not tenable. On that ground it is dismissed. Certified copy expedited.

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